

REMARKS

This is in reply to a March 6, 2006 Office action and is being filed after the June 10, 2006 mailing of an Advisory Action. The Advisory Action stated that amendments included in applicants' June 23, 2006 Petition for Extension of Time and Reply to Office Action "require further consideration and/or search" and were not entered.

After entry of the claim amendments filed herewith, which are identical to the June 23, 2006 claim amendments, original claims 120-124, 127-134, 136-145 and 147-150 and new claims 151-179 will be pending in the application. Claims 139 and 141-142 previously were withdrawn from consideration.

Summary of March 6, 2006
Office action

The Examiner noted that a terminal disclaimer filed by applicants on August 25, 2005 was approved and recorded.

The Examiner objected to claims 127-129.

The Examiner provisionally rejected claims 120-124, 126-138, 140 and 143-150 under the doctrine of obviousness-type double patenting.

The Examiner rejected claims 120-124, 127-132, 138 and 143-150 as being anticipated by Burdett et al. U.S. Patent No. 5,944,185 ("Burdett").

The Examiner rejected claims 120-124, 127-134, 136-138, 144-145 and 148-149 as being anticipated by Tamura et al. French Patent No. 2,628,717 ("Tamura").

The Examiner rejected claim 140 as being unpatentable over Burdett in view of Belden et al. U.S. Patent No. 5,996,788 ("Belden").

The Examiner rejected claims 120-124, 127, 130, 131-134, 138, 140, 143, 145 and 148-150 as being unpatentable over Wisecup et al. U.S. Patent No. 4,670,950 ("Wisecup") in view of Lipschitz et al. U.S. Patent No. 4,339,853 ("Lipschitz").

The Examiner rejected claims 126 and 135 as being unpatentable over Wisecup in view of Lipschitz and Stolz et al. U.S. Patent No. 5,438,738 ("Stolz").

Summary of applicants' Reply

Applicants submit herewith a Terminal Disclaimer, and, to correct clerical errors in the Terminal Disclaimer filed on August 25, 2005, a Corrected Terminal Disclaimer.

Applicants summarize below a May 4, 2006 interview with the Examiner.

Applicants have amended claims 120 and 127 and have added new claims 151-179, all of which depend directly or indirectly from claim 120.

Applicants have canceled claims 126, 135 and 146.

Applicants' Reply to the Provisional Obviousness-Type Double Patenting Rejections

The Examiner provisionally rejected claims 120-124, 126-138, 140 and 143-150 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-14 of copending Application No. 11/214,656.

Applicants herewith submit a Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c) disclaiming the terminal portion of any patent issued on above-identified Application No. 10/796,332 that would extend beyond the term of any patent issued on Application No. 11/214,656 and acknowledging

that above-identified Application No. 10/796,332 will be enforceable only so long as title to Applications Nos. 10/796,332 and 11/214,656 is the same.

Applicants respectfully submit that the provisional double-patenting rejections have been overcome.

Applicants' Reply to the Examiner's
Objections to the Claims

The Examiner objected to claims 127-129 based on the Examiner's allegation that "the claimed second component is also subject to the same force that the first component is subjected to, since it moves with the first component..." March 6, 2006 Office action, p. 2.

Applicants have amended claim 127 to recite a second component consisting of only material that is not magnetically reactive and respectfully assert that the basis for the Examiner's objection has been removed.

Summary of May 4, 2006
Telephonic Interview

Applicants thank the Examiner for the courtesies extended during a May 4, 2006 telephonic interview, in which applicants' representative (the undersigned) proposed amending claim 120 as set forth in the foregoing amendment. The representative asserted that claim 120 if so amended is patentable over the references (viz., Burdett, Tamura, Belden, Wisecup, Lipschitz and Stolz) upon which the Examiner based the March 6, 2006 rejections. The Examiner required that the amendment be presented for continued prosecution to enable the Examiner to consider the amendment in connection with the numerous other references of record.

Applicant's Reply to the
Prior Art Rejections

Claim 120, which is directed to a system for locking an item, is independent. Claims 121-124, 127-134, 136-138, 140, 143-145 and 147-150 depend either directly or indirectly from claim 120.

Rejections under
35 U.S.C § 102

The Examiner rejected claims 120-124, 127-132, 138 and 143-150 as being anticipated by Burdett. The Examiner rejected claims 120-124, 127-134, 136-138, 144-145 and 148-149 as being anticipated by Tamura.

Applicants have amended claim 120 in the interest of expediently advancing the prosecution of the application and expressly reserve the right to later rebut the allegations of the Examiner in connection with the Examiner's application of Burdett and Tamura to applicants' claims.

Applicants have amended claim 120 (at line 12) to require that the claimed catch mechanism have a metal component. Applicants assert that neither Burdett nor Tamura show or suggest a catch mechanism having a metal component and that claim 120 as amended is not anticipated by Burdett or Tamura.

Applicants note that in the March 6, 2006 Office action, the Examiner did not reject claims 126 and 135, which require that the claim 120 (line 12) catch mechanism component comprise metal, over Burdett or Tamura. Applicants have canceled claims 126 and 135.

Rejections under
35 U.S.C § 103

The Examiner rejected claim 140 as being obvious from Burdett in view of Belden.

The Examiner rejected claims 120-124, 127, 130, 131-134, 138, 140, 143, 145 and 148-150 as being obvious from Wisecup in view of Lipschitz.

The Examiner rejected claims 126 and 135 as being obvious from Wisecup in view of Lipschitz and Stolz.

Applicants have amended claim 120 in the interest of expediently advancing the prosecution of the application and expressly reserve the right to later rebut the allegations of the Examiner in connection with the Examiner's application of Belden, Wisecup, Lipschitz and Stolz to applicants' claims.

Applicants have amended claim 120 (line 15) to require that the two claimed enclosure members comprise loops and that when the claimed containing element is locked, the claimed lock be present in both of the loops. Applicants assert that none of Belden, Wisecup, Lipschitz and Stolz, individually or in combination, show or suggest two enclosure members that comprise loops and a lock that is configured to be present in both of the loops when a containing element is locked and that claim 120 as amended is not obvious from Belden, Wisecup, Lipschitz and Stolz, individually or in combination.

Applicants note that in the March 6, 2006 Office action, the Examiner did not reject claim 146, which requires that the two claimed enclosure members comprise loops and that, when the claimed containing element is locked, the claimed lock be present in both of the loops, over any

combination of Belden, Wisecup, Lipschitz and Stolz.
Applicants have canceled claims 146.

New Claims

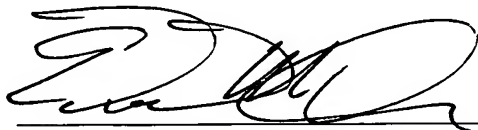
Applicants have added new claims 151-179, all of which depend either directly or indirectly from claim 120. The new claims include no new matter.

Applicants assert that for the foregoing reasons, claim 120, and claims 121-124, 127-134, 136-138, 140, 143-145 and 147-179, which depend either directly or indirectly therefrom, are patentable.

Conclusion

Applicants have submitted a Terminal Disclaimer and a Corrected Terminal Disclaimer, amended claims 120 and 127, canceled claims 126, 135 and 146 and added new claims 151-179. Applicants assert that claims 120-124, 127-134, 136-138, 140, 143-145 and 147-179 are patentable and that the application is in condition for allowance. Prompt allowance is respectfully requested.

Respectfully submitted,



Edward M. Arons
Reg. No. 44,511
Attorney for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090